

**UNITED STATES DISTRICT COURT.
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PRESTON LEE BOYD, et al.,)
))
Plaintiffs,) Case No.: 1:16cv802
))
vs.) Judge Michael R. Barrett
))
UNITED STATES OF AMERICA, et al.,)
))
Defendants.))
))
))

OPINION AND ORDER

This matter is before the Court on the Report and Recommendations (“R&R”) of the Magistrate Judge (Doc. 6). In response, Plaintiff Preston Lee Boyd filed a document identified as a “Complaint and Status” (Doc. 7), which the Court treats as objections to the R&R.

The Magistrate Judge set forth the facts of this case, and the same will not be repeated here except to the extent necessary to respond to Plaintiff’s objections. Plaintiffs Preston Lee Boyd and Martain Boyd Thompkins¹, filed an *in forma pauperis* civil complaint against Wayne County, 36 District Court, 3rd Circuit Court, Federal Court, Sheriff’s Department, and the State of Michigan (“Defendants”) alleging their Native American treaty rights have been violated, asking the Sixth Circuit Court of Appeals to be their fiduciary and reserve their rights under UCC1-207 and UCC 1-308, and for damages under 42 U.S.C. § 1983. (*See* Doc. 5).

Upon initial screening, the Magistrate Judge recommended dismissing Plaintiffs’ claims with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B). The Magistrate Judge came to two primary conclusions. First, Plaintiffs’ complaint lacks factual content or context from which the Court could reasonably infer federal jurisdiction over any of their claims. (Doc. 6, PageID 65).

¹ Plaintiff Martain Boyd Thompkins did not object to the Magistrate Judge’s R&R.

And second, none of the Defendants are subject to suit (Id. at PageID 67). Plaintiff Boyd objects to the Magistrate Judge's R&R. Plaintiff's objections will be addressed accordingly.

When objections to a magistrate judge's report and recommendation are received on a dispositive matter, the assigned district judge "must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3). After review, the district judge "may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." *Id.*; see also 28 U.S.C. § 636(b)(1). General objections are insufficient to preserve any issues for review: "[a] general objection to the entirety of the Magistrate [Judge]'s report has the same effect as would a failure to object." *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Nevertheless, the objections of a petitioner appearing *pro se* will be construed liberally. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citing *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)).

Plaintiffs' claims and his objections to the R&R are largely premised on the "sovereign citizen" theory. Plaintiff Boyd argues that due to his "status as a Sovereign Indigenous, Native American Moor . . . statutes and codes have nothing to do with [him]." (Doc. 7, PageID 70). Similar arguments that a person is a sovereign citizen and thus, not subject to the laws of the United States have uniformly been rejected as lacking any foundation in law. *United States v. Mundt*, 29 F. 3d 233, 237 (6th Cir. 1994). The Magistrate Judge properly concluded that *Mundt* established that such arguments are without merit and are patently frivolous. *Id.* at 237. Plaintiff Boyd lists his address as 4641 Grand River Ave. Detroit, MI 48208. (Doc 7, PageID 70). It is undisputed that he is domiciled in Michigan. As a Michigan citizen, he is subject to the laws of the United States.

Plaintiff Boyd further argues in his objections that “Pope Francis has stated this year is the year of the JUBILEE!! In the year of Jubilee all debts are to be forgiven and all land given back to the original owner (Leviticus 25:13) . . .” (Emphasis in the original). (Doc. 7, PageID 70). Attached to Plaintiff Boyd’s objections are several documents from the Pope, which he argues “stat[es] our position by way of the Vatican.” (Doc. 7, PageID 71); (Doc. 7-1). General objections to the entirety of the Magistrate Judge’s report have the same effect as a failure to object. *Howard*, 932 F.2d at 509. Plaintiff Boyd’s objections to the R&R are without merit and are insufficient to direct the Court’s attention to any particular issues contained therein.

Accordingly, Plaintiff Boyd’s objections are **OVERRULED**.

Consistent with the foregoing, Plaintiff Boyd’s Objections (Doc. 7) are **OVERRULED** and the Magistrate Judge’s R&R (Doc. 6) is **ADOPTED** in its entirety. Accordingly, it is hereby **ORDERED** that Plaintiffs’ claims are (Doc. 5) **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court